

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
In Re: New York City Policing  
During Summer 2020 Demonstrations  
\_\_\_\_\_

No. 20 Civ. 8924 (CM) (GWG)

\_\_\_\_\_  
This filing is related to  
*People v. City of New York et al.*  
\_\_\_\_\_

No. 21 Civ. 322 (CM) (GWG)

**[PROPOSED] ANSWER IN INTERVENTION BY SERGEANTS BENEVOLENT  
ASSOCIATION TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Proposed Intervenor Sergeants Benevolent Association (the “SBA”), by and through counsel, in response to the Complaint for Declaratory and Injunctive Relief (“Complaint”) filed by Plaintiff People of the State of New York (“Plaintiff”), answers as follows. The SBA answers on its own behalf and only to the extent the Complaint makes allegations regarding the conduct of sergeants.

**PRELIMINARY STATEMENT**

1. SBA denies the allegations in paragraph 1 of the Complaint, except that SBA admits paragraph 1 describes the alleged purpose of this action.
2. SBA admits there were protests in 2020 in New York City, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2.
3. SBA denies the allegations in paragraph 3.
4. SBA denies the allegations in paragraph 4.
5. SBA denies the allegations in paragraph 5.
6. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 6, but denies that any sergeants acted unlawfully.

7. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 7, but denies that any sergeants acted unlawfully.

8. SBA denies the allegations in paragraph 8, except that SBA admits the Complaint seeks declaratory and injunctive relief.

### **JURISDICTION AND VENUE**

9. SBA admits the allegations in paragraph 9.

10. SBA admits the allegations in paragraph 10.

11. SBA admits the allegations in paragraph 11.

12. SBA admits the allegations in paragraph 12.

### **PARTIES**

13. SBA admits the allegations in paragraph 13 on information and belief.

14. SBA admits the allegations in paragraph 14 on information and belief but denies that any sergeants acted unlawfully.

15. SBA denies the allegations in paragraph 15.

16. SBA denies the allegations in paragraph 16, except SBA admits Plaintiff seeks prospective relief.

17. SBA admits the allegations in paragraph 17.

18. SBA admits the allegations in paragraph 18.

19. SBA admits the allegations in paragraph 19.

20. SBA admits the allegations in paragraph 20.

### **FACTUAL BACKGROUND**

21. SBA denies the allegations in paragraph 21.

22. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 22.

23. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 23.

24. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 24.

25. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 25.

26. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 26.

27. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 27.

28. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 28.

29. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 29.

30. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 30.

31. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 31.

32. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 32.

33. SBA admits the allegations in paragraph 33 on information and belief.

34. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 34.

35. SBA denies the allegations in paragraph 35.

36. SBA admits that the Complaint alleges that protestors assembled in Union Square on May 28, 2020, and marched toward City Hall, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 36.

37. SBA admits that the Complaint alleges that protestors gathered at Foley Square and the Barclays Center on May 29, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 37.

38. SBA admits that the Complaint alleges that there were protests throughout New York City on May 30, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 38.

39. SBA admits that the Complaint alleges that there were protests throughout New York City on May 31, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 39.

40. SBA admits that the Complaint alleges that Mayor de Blasio instituted a curfew through Emergency Executive Order 117 on June 1, 2020 and later expanded the curfew order. SBA denies the allegations in the fourth sentence of paragraph 40. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 40, except SBA denies that any sergeants acted unlawfully.

41. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 2, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 41.

42. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 3, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 42.

43. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 4, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 43, except SBA denies that any sergeants acted unlawfully.

44. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 5, 2020, but SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 44.

45. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 6, 2020, and through the end of June 2020, except SBA denies remaining allegations in paragraph 45.

46. SBA admits that the Complaint alleges that demonstrations occurred at multiple locations on June 28, 2020, except SBA denies remaining allegations in paragraph 46.

47. SBA denies the allegations in paragraph 47.

48. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 48, except SBA denies that any sergeants acted unlawfully.

49. SBA admits that the Complaint alleges that demonstrations occurred on October 7, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 49, except SBA denies that any sergeants acted unlawfully.

50. SBA admits that the Complaint alleges that demonstrations occurred on November 4, 2020. SBA lacks knowledge or information sufficient to form a belief about the

truth of the remaining allegations in paragraph 50, except SBA denies that any sergeants acted unlawfully.

51. SBA admits that the Complaint alleges that demonstrations occurred on November 5, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 51, except SBA denies that any sergeants acted unlawfully.

52. SBA admits that the Complaint alleges that demonstrations occurred on December 11, 2020. SBA lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 52, except SBA denies that any sergeants acted unlawfully.

53. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 53.

54. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 54, except SBA denies that any sergeants acted unlawfully.

55. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 55, except SBA denies that any sergeants acted unlawfully.

56. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 56.

57. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 57.

58. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 58.

59. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 59.

60. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 60, except SBA denies that any sergeants acted unlawfully.

61. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 61, except SBA denies that any sergeants acted unlawfully.

62. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 62, except SBA denies that any sergeants acted unlawfully.

63. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 63, except SBA denies that any sergeants acted unlawfully.

64. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 64, except SBA denies that any sergeants acted unlawfully.

65. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 65, except SBA denies that any sergeants acted unlawfully.

66. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 66.

67. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 67, except SBA denies that any sergeants acted unlawfully.

68. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 68, except SBA denies that any sergeants acted unlawfully.

69. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 69, except SBA denies that any sergeants acted unlawfully.

70. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 70, except SBA denies that any sergeants acted unlawfully.

71. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 71, except SBA denies that any sergeants acted unlawfully.

72. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 72.

73. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 73, except SBA denies that any sergeants acted unlawfully.

74. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 74, except SBA denies that any sergeants acted unlawfully.

75. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 75, except SBA denies that any sergeants acted unlawfully.

76. SBA denies the allegations in paragraph 76.

77. SBA denies the allegations in paragraph 77.

78. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 78, except SBA denies that any sergeants acted unlawfully.

79. SBA denies the allegations in paragraph 79.

80. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 80, except SBA denies that any sergeants acted unlawfully.

81. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 81, except SBA denies that any sergeants acted unlawfully.

82. SBA denies the allegations in paragraph 82.

83. SBA admits the allegations in paragraph 83.



84. SBA admits the allegations in paragraph 84.

85. SBA admits the allegations in paragraph 85.

86. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 86, except SBA denies that any sergeants acted unlawfully.

87. SBA denies the allegations in paragraph 87.

88. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 88.

89. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 89, except SBA denies that any sergeants acted unlawfully.

90. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 90, except SBA denies that any sergeants acted unlawfully.

91. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 91, except SBA denies that any sergeants acted unlawfully.

92. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 92, except SBA denies that any sergeants acted unlawfully.

93. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 93.

94. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 94, except SBA denies that any sergeants acted unlawfully.

95. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 95, except SBA denies that any sergeants acted unlawfully.

96. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 96, except SBA denies that any sergeants acted unlawfully.

97. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 97, except SBA denies that any sergeants acted unlawfully.

98. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 98, except SBA denies that any sergeants acted unlawfully.

99. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 99.

100. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 100, except SBA denies that any sergeants acted unlawfully.

101. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 101, except SBA denies that any sergeants acted unlawfully.

102. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 102, except SBA denies that any sergeants acted unlawfully.

103. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 103, except SBA denies that any sergeants acted unlawfully.

104. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 104, except SBA denies that any sergeants acted unlawfully.

105. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 105.

106. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 106, except SBA denies that any sergeants acted unlawfully.

107. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 107.

108. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 108, except SBA denies that any sergeants acted unlawfully.

109. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 109, except SBA denies that any sergeants acted unlawfully.

110. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 110, except SBA denies that any sergeants acted unlawfully.

111. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 111, except SBA denies that any sergeants acted unlawfully.

112. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 112.

113. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 113, except SBA denies that any sergeants acted unlawfully.

114. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 114, except SBA denies that any sergeants acted unlawfully.

115. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 115.

116. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 116, except SBA denies that any sergeants acted unlawfully.

117. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 117, except SBA denies that any sergeants acted unlawfully.

118. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 118, except SBA denies that any sergeants acted unlawfully.

119. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 119.

120. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 120, except SBA denies that any sergeants acted unlawfully.

121. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 121, except SBA denies that any sergeants acted unlawfully.

122. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 122, except SBA denies that any sergeants acted unlawfully.

123. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 123, except SBA denies that any sergeants acted unlawfully.

124. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 124.

125. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 125, except SBA denies that any sergeants acted unlawfully.

126. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 126, except SBA denies that any sergeants acted unlawfully.

127. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 127, except SBA denies that any sergeants acted unlawfully.

128. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 128.

129. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 129, except SBA denies that any sergeants acted unlawfully.

130. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 130, except SBA denies that any sergeants acted unlawfully.

131. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 131, except SBA denies that any sergeants acted unlawfully.

132. SBA admits that the Complaint purports to quote from the NYPD Patrol Guide Procedure Number 221-07, Use of Oleoresin Capsicum Pepper Spray Devices, and otherwise denies the allegations in paragraph 132.

133. SBA admits that the Complaint purports to quote from the NYPD Patrol Guide Procedure Number 221-07, Use of Oleoresin Capsicum Pepper Spray Devices, and otherwise denies the allegations in paragraph 133.

134. SBA denies the allegations in paragraph 134.

135. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 135, except SBA denies that any sergeants acted unlawfully.

136. SBA denies the allegations in paragraph 136.

137. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 137.

138. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 138, except SBA denies that any sergeants acted unlawfully.

139. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 139, except SBA denies that any sergeants acted unlawfully.

140. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 140, except SBA denies that any sergeants acted unlawfully.

141. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 141, except SBA denies that any sergeants acted unlawfully.

142. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 142, except SBA denies that any sergeants acted unlawfully.

143. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 143.

144. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 144, except SBA denies that any sergeants acted unlawfully.

145. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 145, except SBA denies that any sergeants acted unlawfully.

146. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 146, except SBA denies that any sergeants acted unlawfully.

147. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 147, except SBA denies that any sergeants acted unlawfully.

148. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 148, except SBA denies that any sergeants acted unlawfully.

149. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 149, except SBA denies that any sergeants acted unlawfully.

150. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 150, except SBA denies that any sergeants acted unlawfully.

151. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 151, except SBA denies that any sergeants acted unlawfully.

152. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 152, except SBA denies that any sergeants acted unlawfully.

153. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 153, except SBA denies that any sergeants acted unlawfully.

154. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 154, except SBA denies that any sergeants acted unlawfully.

155. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 155.

156. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 156, except SBA denies that any sergeants acted unlawfully.

157. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 157, except SBA denies that any sergeants acted unlawfully.

158. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 158, except SBA denies that any sergeants acted unlawfully.

159. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 159.

160. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 160, except SBA denies that any sergeants acted unlawfully.

161. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 161.

162. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 162, except SBA denies that any sergeants acted unlawfully.

163. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 163, except SBA denies that any sergeants acted unlawfully.

164. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 164, except SBA denies that any sergeants acted unlawfully.

165. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 165, except SBA denies that any sergeants acted unlawfully.

166. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 166, except SBA denies that any sergeants acted unlawfully.

167. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 167, except SBA denies that any sergeants acted unlawfully.

168. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 168, except SBA denies that any sergeants acted unlawfully.

169. SBA denies the allegations in paragraph 169.

170. SBA denies the allegations in paragraph 170.

171. SBA denies the allegations in paragraph 171.

172. SBA denies the allegations in paragraph 172.

173. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 173.

174. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 174, except SBA denies that any sergeants acted unlawfully.

175. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 175.



176. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 176, except SBA denies that any sergeants acted unlawfully.

177. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 177, except SBA denies that any sergeants acted unlawfully.

178. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 178.

179. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 179.

180. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 180, except SBA denies that any sergeants acted unlawfully.

181. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 181, except SBA denies that any sergeants acted unlawfully.

182. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 182.

183. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 183, except SBA denies that any sergeants acted unlawfully.

184. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 184, except SBA denies that any sergeants acted unlawfully.

185. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 185, except SBA denies that any sergeants acted unlawfully.

186. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 186.

187. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 187, except SBA denies that any sergeants acted unlawfully.

188. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 188, except SBA denies that any sergeants acted unlawfully.

189. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 189.

190. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 190, except SBA denies that any sergeants acted unlawfully.

191. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 191, except SBA denies that any sergeants acted unlawfully.

192. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 192, except SBA denies that any sergeants acted unlawfully.

193. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 193.

194. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 194.

195. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 195, except SBA denies that any sergeants acted unlawfully.

196. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 196, except SBA denies that any sergeants acted unlawfully.

197. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 197, except SBA denies that any sergeants acted unlawfully.

198. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 198, except SBA denies that any sergeants acted unlawfully.

199. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 199, except SBA denies that any sergeants acted unlawfully.

200. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 200, except SBA denies that any sergeants acted unlawfully.

201. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 201.

202. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 202, except SBA denies that any sergeants acted unlawfully.

203. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 203, except SBA denies that any sergeants acted unlawfully.

204. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 204, except SBA denies that any sergeants acted unlawfully.

205. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 205, except SBA denies that any sergeants acted unlawfully.

206. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 206.

207. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 207, except SBA denies that any sergeants acted unlawfully.

208. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 208, except SBA denies that any sergeants acted unlawfully.

209. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 209, except SBA denies that any sergeants acted unlawfully.

210. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 210.

211. SBA denies the allegations in paragraph 211.

212. SBA denies the allegations in paragraph 212.

213. SBA denies the allegations in paragraph 213.

214. SBA denies the allegations in paragraph 214.

215. SBA denies the allegations in paragraph 215.

216. SBA admits that the Complaint alleges that on Monday, June 1, 2020 Mayor de Blasio issued Emergency Executive Order 117 that imposed an 11:00 p.m. curfew in New York City and announced that NYPD would double the number of officers assigned to the protest.

217. SBA admits that the Complaint alleges that on June 2, 2020 Mayor de Blasio issued Emergency Executive Orders 118 and 119, and that these orders expanded the hours of the curfew to from 8:00 p.m. until 5:00 a.m. each day until June 8, 2020.

218. SBA admits that the Complaint purports to quote from the Curfew Orders as exempting “first responders and emergency medical technicians, individuals travelling to and from essential work and performing essential work.” SBA otherwise denies the remaining allegations in paragraph 218.

219. SBA admits that the Complaint purports to quote from the Curfew Orders as stating that “Failure to comply with this Order shall result in orders to disburse [sic], and any person who knowingly violates the provisions in this Order shall be guilty of a class B misdemeanor.”

220. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 220.

221. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 221.

222. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 222.

223. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 223.

224. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 224.

225. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 225.

226. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 226.

227. SBA admits that the Complaint purports to quote from an internal announcement issued by the NYPD, and otherwise denies the remaining allegations in paragraph 227.

228. SBA admits that the Complaint purports to quote from an internal announcement issued by the NYPD on June 3, 2020, and otherwise denies the remaining allegations in paragraph 228.

229. SBA denies the allegations in paragraph 229.

230. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 230.

231. SBA admits that the Complaint purports to quote from Procedure Number 213-11 of the NYPD Patrol Guide, and otherwise denies the remaining allegations in paragraph 231.

232. SBA admits that the Complaint purports to quote from Procedure Number 203-29 of the NYPD Patrol Guide, and otherwise denies the remaining allegations in paragraph 232.

233. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 233, except SBA denies that any sergeants acted unlawfully.

234. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 234, except SBA denies that any sergeants acted unlawfully.

235. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 235, except SBA denies that any sergeants acted unlawfully.

236. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 236.

237. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 237.

238. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 238, except SBA denies that any sergeants acted unlawfully.

239. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 239.

240. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 240, except SBA denies that any sergeants acted unlawfully.

241. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 241, except SBA denies that any sergeants acted unlawfully.

242. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 242, except SBA denies that any sergeants acted unlawfully.

243. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 243, except SBA denies that any sergeants acted unlawfully.

244. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 244, except SBA denies that any sergeants acted unlawfully.

245. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 245, except SBA denies that any sergeants acted unlawfully.

246. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 246, except SBA denies that any sergeants acted unlawfully.

247. SBA admits that the Complaint alleges that the NYPD upheld the decision to arrest legal observers, and otherwise denies the remaining allegations in paragraph 247.

248. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 248, except SBA denies that any sergeants acted unlawfully.

249. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 249.

250. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 250, except SBA denies that any sergeants acted unlawfully.

251. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 251.

252. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 252.

253. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 253, except SBA denies that any sergeants acted unlawfully.

254. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 254, except SBA denies that any sergeants acted unlawfully.

255. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 255.

256. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 256, except SBA denies that any sergeants acted unlawfully.

257. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 257.

258. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 258.

259. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 259, except SBA denies that any sergeants acted unlawfully.

260. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 260, except SBA denies that any sergeants acted unlawfully.

261. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 261, except SBA denies that any sergeants acted unlawfully.

262. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 262, except SBA denies that any sergeants acted unlawfully.

263. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 263, except SBA denies that any sergeants acted unlawfully.



264. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 264, except SBA denies that any sergeants acted unlawfully.

265. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 265, except SBA denies that any sergeants acted unlawfully.

266. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 266, except SBA denies that any sergeants acted unlawfully.

267. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 267.

268. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 268.

269. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 269, except SBA denies that any sergeants acted unlawfully.

270. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 270, except SBA denies that any sergeants acted unlawfully.

271. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 271, except SBA denies that any sergeants acted unlawfully.

272. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 272, except SBA denies that any sergeants acted unlawfully.

273. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 273.

274. SBA denies the allegations in paragraph 274.

275. SBA denies the allegations in paragraph 275.

276. SBA admits that the Complaint purports to quote from statements of Mayor de Blasio made on June 3 and June 4, 2020, and otherwise denies the remaining allegations in paragraph 276.

277. SBA denies the allegations in paragraph 277.

278. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 278.

279. SBA admits that the Complaint alleges that, on June 2, 2020 a group of protesters marched from the Barclays Center through Downtown Brooklyn to the Manhattan Bridge, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 279.

280. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 280, except SBA denies that any sergeants acted unlawfully.

281. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 281, except SBA denies that any sergeants acted unlawfully.

282. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 282, except SBA denies that any sergeants acted unlawfully.

283. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 283, except SBA denies that any sergeants acted unlawfully.

284. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 284, except SBA denies that any sergeants acted unlawfully.

285. SBA denies the allegations in paragraph 285.

286. SBA admits that the Complaint alleges that, on June 3, 2020, a group of persons gathered in Downtown Brooklyn, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 286.

287. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 287, except SBA denies that any sergeants acted unlawfully.

288. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 288.

289. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 289, except SBA denies that any sergeants acted unlawfully.

290. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 290, except SBA denies that any sergeants acted unlawfully.

291. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 291.

292. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 292, except SBA denies that any sergeants acted unlawfully.

293. SBA denies the allegations in paragraph 293.

294. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 294, except SBA denies that any sergeants acted unlawfully.

295. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 295, except SBA denies that any sergeants acted unlawfully.

296. SBA admits that the Complaint alleges that on June 3, 2020, a demonstration was held in the Upper East Side neighborhood, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 296.

297. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 297.

298. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 298.

299. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 299, except SBA denies that any sergeants acted unlawfully.

300. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 300, except SBA denies that any sergeants acted unlawfully.

301. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 301, except SBA denies that any sergeants acted unlawfully.

302. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 302, except SBA denies that any sergeants acted unlawfully.

303. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 303, except SBA denies that any sergeants acted unlawfully.

304. SBA admits that the Complaint alleges that on June 4, 2020 persons gathered at McCarren Park in Brooklyn, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 304.

305. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 305.

306. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 306, except SBA denies that any sergeants acted unlawfully.

307. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 307.

308. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 308, except SBA denies that any sergeants acted unlawfully.

309. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 309, except SBA denies that any sergeants acted unlawfully.

310. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 310, except SBA denies that any sergeants acted unlawfully.

311. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 311, except SBA denies that any sergeants acted unlawfully.

312. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 312, except SBA denies that any sergeants acted unlawfully.

313. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 313, except SBA denies that any sergeants acted unlawfully.

314. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 314.

315. SBA admits that the Complaint alleges a rally and march took place on June 4, 2020 in the Mott Haven neighborhood of the South Bronx, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 315.

316. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 316.

317. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 317.

318. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 318.

319. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 319, except SBA denies that any sergeants acted unlawfully.

320. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 320.

321. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 321.

322. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 322, except SBA denies that any sergeants acted unlawfully.

323. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 323, except SBA denies that any sergeants acted unlawfully.

324. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 324, except SBA denies that any sergeants acted unlawfully.

325. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 325, except SBA denies that any sergeants acted unlawfully.

326. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 326, except SBA denies that any sergeants acted unlawfully.

327. SBA denies the allegations in paragraph 327.

328. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 328.

329. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 329, except SBA denies that any sergeants acted unlawfully.

330. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 330, except SBA denies that any sergeants acted unlawfully.

331. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 331, except SBA denies that any sergeants acted unlawfully.

332. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 332, except SBA denies that any sergeants acted unlawfully.

333. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 333, except SBA denies that any sergeants acted unlawfully.

334. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 334, except SBA denies that any sergeants acted unlawfully.

335. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 335, except SBA denies that any sergeants acted unlawfully.

336. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 336, except SBA denies that any sergeants acted unlawfully.

337. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 337, except SBA denies that any sergeants acted unlawfully.

338. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 338, except SBA denies that any sergeants acted unlawfully.

339. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 339, except SBA denies that any sergeants acted unlawfully.

340. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 340, except SBA denies that any sergeants acted unlawfully.

**CLAIMS FOR RELIEF**

**COUNT ONE**

341. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

342. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 342 because it contains legal contentions.

343. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 343, except SBA denies that any sergeants acted unlawfully.

344. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 344, except SBA denies that any sergeants acted unlawfully.

345. SBA denies the allegations in paragraph 345.

346. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 346, except SBA denies that any sergeants acted unlawfully.

347. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 347, except SBA denies that any sergeants acted unlawfully.

348. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 348, except SBA denies that any sergeants acted unlawfully.

349. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 349, except SBA denies that any sergeants acted unlawfully.

**COUNT TWO**

350. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

351. Paragraph 351 contains legal contentions to which no response is required.



352. SBA denies the allegations in paragraph 352.

353. SBA denies the allegations in paragraph 353.

354. SBA denies the allegations in paragraph 354.

355. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 355.

356. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 356.

357. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 357.

358. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 358.

### **COUNT THREE**

359. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

360. Paragraph 360 contains legal contentions to which no response is required.

361. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 361.

362. SBA denies the allegations in paragraph 362.

363. SBA denies the allegations in paragraph 363.

364. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 364.

365. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 365.

366. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 366.

367. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 367.

#### **COUNT FOUR**

368. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

369. SBA denies the allegations in paragraph 369.

370. SBA denies the allegations in paragraph 370.

371. SBA denies the allegations in paragraph 371.

372. SBA denies that officers used excessive force on New York Residents as alleged in paragraph 372, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

#### **COUNT FIVE**

373. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

374. SBA denies the allegations in paragraph 374.

375. SBA denies the allegations in paragraph 375.

376. SBA denies the allegations in paragraph 376.

377. SBA denies that officers unlawfully seized New York Residents as alleged in paragraph 377, but admits that the actions described in the Complaint were within the scope of

their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

**COUNT SIX**

378. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

379. SBA denies the allegations in paragraph 379.

380. SBA lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of paragraph 380 and denies the allegations in the remainder of the paragraph.

381. SBA denies the allegations in paragraph 381.

382. SBA denies the allegations in paragraph 382.

383. SBA denies the allegations in paragraph 383.

384. SBA denies that officers suppressed or retaliated against speech, express, and press as alleged in paragraph 384, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

**COUNT SEVEN**

385. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

386. SBA denies the allegations in paragraph 386.

387. SBA denies the allegations in paragraph 387.

388. SBA denies that officers assaulted New York Residents as alleged in paragraph 388, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

#### **COUNT EIGHT**

389. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

390. SBA denies the allegations in paragraph 390.

391. SBA denies the allegations in paragraph 391.

392. SBA denies that officers battered New York Residents as alleged in paragraph 392, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

#### **COUNT NINE**

393. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

394. SBA denies the allegations in paragraph 394.

395. SBA denies that officers falsely imprisoned New York Residents as alleged in paragraph 395, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the

Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

#### **COUNT TEN**

396. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

397. SBA denies the allegations in paragraph 397.

398. SBA denies the allegations in paragraph 398.

399. SBA denies the allegations in paragraph 399.

400. SBA denies that officers engaged in wrongdoing as alleged in paragraph 400, but admits that the actions described in the Complaint were within the scope of their employment. SBA denies that individual officers are liable for any actions described in the Complaint but admits that Defendant City of New York, as employer, would be responsible under the doctrine of *respondeat superior*.

#### **COUNT ELEVEN**

401. SBA incorporates by reference its answers to paragraphs 1 through 340 as if fully set forth herein.

402. SBA denies the allegations in paragraph 402.

#### **PRAYER FOR RELIEF**

The remaining paragraphs in the Complaint constitute Plaintiff's prayer for relief, to which no response is required. To the extent a response is required, SBA denies the allegations in these paragraphs and therefore denies that Plaintiff is entitled to relief.<sup>1</sup>

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<sup>1</sup> The headings in the Complaint are not part of the allegations, but to the extent they are, SBA denies each such allegation.

### **AFFIRMATIVE DEFENSES**

As for its affirmative defenses, SBA states as follows:

#### **First Affirmative Defense**

403. Plaintiff fails to state a claim upon which relief can be granted. Therefore, this complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

#### **Second Affirmative Defense**

404. At all times alleged in the Complaint, SBA's members acted in good faith and under a good faith belief that their actions were reasonable under the circumstances, did not violate the constitutional rights of New York Residents, and are entitled to qualified immunity.

#### **Third Affirmative Defense**

405. The injuries Plaintiff asserts, if any exist, were caused by third parties, not SBA's members.

#### **Fourth Affirmative Defense**

406. At all times complained of by Plaintiff, SBA's members' actions were justifiable, reasonable, without malice, negligence, or recklessness, and consistent with their training.

#### **Fifth Affirmative Defense**

407. At all times complained of by Plaintiff, SBA's members acted exercised reasonable force.

#### **Sixth Affirmative Defense**

408. Plaintiff is unable to meet the legal requirements for the entry of declaratory and injunctive relief and thus the Complaint should be dismissed.

**Seventh Affirmative Defense**

409. At all times complained of by Plaintiff, SBA's members acted in accordance with their legal duties.

**Eighth Affirmative Defense**

410. Protesters have no constitutional injury.

**Ninth Affirmative Defense**

411. Protesters by their conduct were contributorily negligent.

**Tenth Affirmative Defense**

412. Protesters by their conduct created the risk of a known danger.

**Eleventh Affirmative Defense**

413. Punitive damages are not recoverable.

**Twelfth Affirmative Defense**

414. Any injury was caused by others, not by SBA's members.

**Thirteenth Affirmative Defense**

415. SBA's members are entitled to indemnification.

**Fourteenth Affirmative Defense**

416. SBA may rely on other defenses if and when such defenses become known during the course of litigation and hereby reserves the right to assert such defenses.

Dated: March 3, 2021  
New York, New York

Respectfully Submitted,

/s/ Anthony P. Coles  
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